

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

DIANE COWAN, et al.

PLAINTIFFS

and

UNITED STATES OF AMERICA

PLAINTIFF- INTERVENOR

v.

**Civil Action No. 2:65-CV-00031-DMB
(previously DC 6531-K)**

**BOLIVAR COUNTY BOARD OF
EDUCATION, et al.**

DEFENDANTS

MOTION FOR CONTINUANCE

The Cleveland School District (the “District”) moves the Court to continue the hearing set for May 18, 2015, and in support states as follows:

1. During and following the mediation conducted in this case by Magistrate Judge Jenny Virden on May 11, 2015, the District continued evaluating Plan A and Plan B as submitted to the Court and began working to craft a new plan to specifically address many of the concerns identified by Judge Virden, the Plaintiffs, and the Government during the mediation. The new plan, “Plan C,” is a direct result of this process. Plan C is attached as Exhibit 1.

2. The District discussed Plan C with the Government on May 12, 2015, and presented a written plan on May 13, 2015, as part of the parties’ continued negotiations. To the District’s knowledge the Government, continues to analyze Plan C and negotiations are on-going at this very hour.

3. The District gives notice to the Court and the parties that it intends to present testimony regarding Plan C during the upcoming hearing in this case.

4. Although the parties did not reach a settlement during the mediation, the parties negotiated for a full day, identifying areas of common ground, and almost reaching settlement. The District remains optimistic that continued negotiations may produce a resolution.

5. Using the time set aside for the hearing to continue mediation would: 1) avoid unnecessary expense on both sides, particularly regarding costly expert travel and witness fees, and 2) avoid a hearing on proposals now superseded by later, more advanced thinking triggered by the mediation.

6. Based on the latest ideas of all parties, the earliest possible implementation of any additional desegregation objectives will not occur until the beginning 2016-17 school year. Therefore, a brief delay in the proceedings to permit additional negotiations will not prejudice the Government or Plaintiffs.

7. Because this motion is straightforward and this is a matter within the sole discretion of the Court, the District asks that the requirement to file a supporting memorandum of authorities set out in Uniform Local Rule 7.4 be waived.

Respectfully submitted, this 14th day of May 2015.

/s/ John S. Hooks

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CERTIFICATE OF SERVICE

I, John Hooks, do hereby certify that I have this date served a true and correct copy of the above and foregoing document by electronically filing via the ECF system to:

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This, the 14th day of May 2015.

/s/ John S. Hooks